

REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested.

Claims 1-11 and 18-29 are pending. By this amendment, claims 1, 18, and 23 are amended. No claims have been added. No claims are canceled. No new matter is added.

Applicant respectfully submits that, upon entry of the subject amendment, the application will be in condition for allowance. Applicant, thus, respectfully requests consideration of the above amendment and following remarks.

Claims 1-11 and 18-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Appl. Pub. No. 2002/0066097 to Hattori et al. ("Hattori ") in view of U.S. Pat. No. 6,177,931 to Alexander et al. ("Alexander"). Applicant respectfully traverses the rejection.

Applicant would like to thank Examiner Lonsberry for conducting an in-person interview with Applicant's representative. Examiner Lonsberry and Applicant's representative discussed the disclosure of the prior art, the independent claims, and potential amendments to the claims. Examiner Lonsberry indicated that the potential amendment would include limitations not found in the prior art relied upon, but further indicated that an additional search may be necessary. In summary, the interview was helpful in progressing the prosecution of the present application.

As discussed during the interview, independent claims 1, 18, and 23 have been amended to include the limitation, or a variation thereof, the displayed advertising icon overlaying the television programming and not being integrated with an electronic program guide (EPG).

Claims 1-11 and 18-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hattori in view of Alexander. The Office Action concedes that Hattori fails to disclose "storing icons and associated advertising information on a server connected to the global computer network." Office Action at page 6. The Office Action relies on Alexander for this teaching, citing to ad windows 14 and 16 within the EPG (Figure 1).

Alexander fails to teach or suggest the claim limitation of storing advertising icons and associated advertising information on a server connected to the global computer network and wherein the advertising icons are representative of a company or product. More specifically, the Ad windows 14 and 16 of Alexander are not icons as claimed. Alexander distinguishes between advertisements and icons and refers to ad windows 14 and 16 as spaces for panel ads. Col 20, line 42. Elsewhere Alexander refers to icons such as, for example, displaying an "i" to indicate interactive content is available. Col. 26, lines 14-17; Col. 27, lines 44-45. Thus, the disclosure of Alexander itself distinguishes the ad windows 14 and 16 relied by in the office action from icons.

The icons disclosed by Alexander (e.g., an "i" indicating the availability of interactive content) also do not overcome the failures of Hattori. Specifically, the icons disclosed by Alexander are:

- not transmitted via the internet;
- not stored on a server connected to the internet; and
- not representative of a company or product.

In addition, independent claims 1, 18, and 23 have been amended to include the limitation, or a variation thereof, the displayed advertising icon overlaying the television programming and **not** being integrated with an electronic program guide (EPG). As illustrated in Figure 1 of the present application, the icon 50 may be a semi-transparent icon displayed in the corner of the television screen while television programming is also displayed on the screen (e.g., the news).

In summary, in combination with the other claim elements the prior art relied upon fails to teach or suggest storing icons on a server connected to the Internet and transmitting the advertising icons via the internet, wherein the advertising icons are each representative of a company or a product and displayed over television programming and wherein the displayed advertising icon is not integrated with an EPG as required by claim 1 and similarly by claims 18 and 23.

Applicant therefore respectfully submits that independent claims 1, 18 and 23 are patentable over the prior art. In addition, because a claim that is dependent from a patentably distinct claim is also patentably distinct, Applicant respectfully requests allowance of claims 2-11 and 29, which depend from claim 1, claims 19-22 and 28, which depend from claim 18, and claims 24-27, which depend from claim 23.

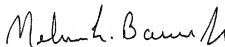
In view of the foregoing, it is respectfully submitted that the claimed invention is patentably distinguished over the asserted prior art references and that the application stands in condition for allowance. It is respectfully requested that the application be reconsidered, that all pending claims be allowed, and that the application be passed to issue.

CONCLUSION

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact Mel Barnes at (301) 581-0081, to discuss any other changes deemed necessary in a telephonic interview.

Authorization is hereby granted to charge any deficiencies in fees, including any fees for extension of time under 37 C.F.R. §1.136(a), to Deposit Account 50-3970. Please credit any overpayment in fees to the same deposit account.

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